

**REMARKS**

The claims have been amended to focus on the preferred embodiments of the invention.

Support for the amendment to claim 1 is found on pages 4-5 of the specification in paragraphs 10, 11 and 12, as well as Example 1 in terms of the ingredients, and the limitation to nematocides is supported in paragraph 4. The aqueous dilution aspect is supported on page 5 in paragraph 13. The amendments to the remaining claims and added claims 7-13 are similarly supported in these sections of the specification. Support for claims directed to plants to which the formulations have been applied and to soils to which the formulations have been applied is found on page 6 in paragraphs 17-27.

No new matter has been added and entry of the amendment is respectfully requested.

**The Rejection Under 35 U.S.C. § 102**

All claims were rejected as anticipated by Zobitne, U.S. 5,998,484. It is believed that the amendment to the claims obviates this rejection. As noted by the Office, Zobitne teaches a combination of corn mint oil and sodium lauryl sulfate for control of insects. As amended, the claims are limited to nematocides and to combinations of molasses and/or cheese with oils, in particular vegetable oils. These combinations are not suggested by Zobitne. Accordingly, it is believed that the claims as amended are free of the cited art.

At the interview, the issue of accidental anticipation by compositions of these environmentally safe, and therefore commonly used ingredients, was discussed with regard to the composition claims. Mention was made of the possibility that certain food compositions might incidentally read on the claimed compositions. First, it is believed that the claims directed to methods of controlling nematodes are not affected by this problem. Second, claims directed to soils or plants which have been treated with the formulation also make clear the context in which the

formulations of the invention are to be used. Finally, claim 1 is believed free of such accidental anticipation due to the requirement for dilution of the components. Applicant is not aware of any food compositions, for example, that would meet this description, especially in light of the relatively closed language "consisting essentially of."

Therefore, it is believed that the now pending claims, claims 1, 4 and 6-17 are in a position for allowance and passage of these claims to issue is respectfully requested.

Again applicant appreciates the helpful discussion provided by the Examiner to his undersigned representative. Further, if any issues remain that might be resolved over the telephone, a telephone call to the undersigned is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 437472000500.

Respectfully submitted,

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